



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/562,230 Confirmation No. :
First Named Inventor : David DICKERSON
Filed : December 23, 2005
TC/A.U. :
Examiner :

Docket No. : 101795.56948US
Customer No. : 23911

Title : Information System

SUPPLEMENTAL RENEWED PETITION UNDER 37 CFR 1.137(b)

Mail Stop PETITIONS
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

September 15, 2006

Sir:

The following comments are submitted to supplement those contained in the renewed petition under 37 C.F.R. § 1.137(b) submitted March 24, 2006 in the above identified application. To date, Applicants have received no decision with regard to the latter renewed petition.

In the original Petition for Revival, filed December 23, 2005, Applicants stated, as required, that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional". In further support of this proposition, Applicants note that a key factor in this case is that at least one entity that was the owner of the rights in the international application was legally incapacitated and thus foreclosed by virtue of a bankruptcy proceeding from taking action in

order to perfect the Applicants' rights in the United States by filing a U.S. National Stage Application. In this regard, Applicants note as follows:

1. One information and belief, the German Inventors' Law entitles the employer of an inventor to all rights to inventions made by the inventor or inventors in the course of performing his or their services for the employer.
2. At the time of the invention, at least some of the inventors named herein were employees of a company known as Physoptics Opto-Electronic GmbH, a German corporation. Under the terms of the aforementioned German Inventors' Law, however, Physoptics became the owner of the rights of their employees with regard to the subject invention by operation of law.
3. During the relevant time period, and prior to expiration of the 30-months period, Physoptics entered bankruptcy in Germany, and a trustee was appointed. Accordingly, Physoptics, the owner of rights in the invention was incapable of taking action with regard to filing the national stage papers in the United States without the consent of the trustee. Physoptics was unable to obtain such consent, and that situation persisted until well beyond the expiration of the 30-months period for submission of a national stage filing in the United States.
4. In November, 2003, David Dickerson, one of the named inventors in the application filed a lawsuit against the trustee in Germany alleging abuse of the German Inventors' Law and also German Patent Law. As a result of this

litigation, a settlement was reached in which Physoptics transferred to Mr. Dickerson all of its rights in the subject application.

5. In addition to Mr. Dickerson, there are other inventors named in the application who were not employees of Physoptics. In order to file in the United States, Mr. Dickerson was required to make a good faith effort to locate these individuals and to obtain their cooperation.

6. When those inventors were located agreement was finally obtained from them so as to be able to proceed. Mr. Dickerson still had to reconstruct the patent application files because they had been lost or misplaced during the bankruptcy proceedings.

7. At all times since then, up to the date when the present application and petition were filed, Mr. Dickerson has moved diligently to perfect his rights in the United States.

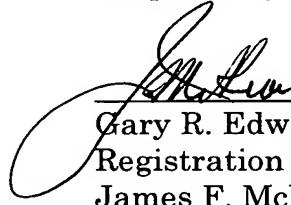
8. Accordingly, it is apparent from the foregoing that the abandonment of this application was unintentional and involuntary on the part of Physoptics, who was precluded by German bankruptcy proceedings from timely filing the U.S. national phase application papers.

Accordingly, Applicants respectfully submit that it has satisfied all requirements for revival of this application under 37 C.F.R. § 1.137(b). In particular, the above facts establish that both the abandonment of this application and the delay in filing the U.S. national stage papers were unintentional, and could not be avoided. Accordingly, Applicants respectfully

request that their petition for revival of this application be granted, and that the application be forwarded for examination.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #101795.56948US).

Respectfully submitted,



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